

113TH CONGRESS  
2D SESSION

# S. 2729

To amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. PRYOR (for himself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Endangered Species Act of 1973 to require the Secretary of the Interior to publish and make available for public comment a draft economic analysis at the time a proposed rule to designate critical habitat is published.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Private Landowner  
5 Protection Act of 2014”.

1   **SEC. 2. DRAFT ECONOMIC ANALYSIS FOR CRITICAL HABI-**

2                   **TAT DESIGNATION.**

3       Section 4(b)(2) of the Endangered Species Act of

4 1973 (16 U.S.C. 1533(b)(2)) is amended—

5               (1) in the first sentence, by striking “(2) The

6       Secretary shall” and inserting the following:

7               **“(2) CRITICAL HABITAT DESIGNATION.—**

8               “(A) IN GENERAL.—The Secretary shall”;

9               (2) in the second sentence, by striking “The

10     Secretary may” and inserting the following:

11               “(B) EXCLUSIONS.—The Secretary shall”;

12      and

13               (3) by adding at the end the following:

14               “(C) DRAFT ECONOMIC IMPACT ANAL-

15      YSIS.—

16               “(i) IN GENERAL.—At the time a pro-

17      posed rule to designate critical habitat for

18      a species is published, the Secretary shall

19      publish and make available for public com-

20      ment an analysis that—

21               “(I) examines the public and pri-

22      vate economic effects of all actions

23      that are related to a critical habitat

24      designation or the protection of the

25      species, including, at a minimum, any

26      effects on—

1                 “(aa) land use;

2                 “(bb) property values;

3                 “(cc) the provision of water,

4                 power, and other public services;

5                 “(dd) employment;

6                 “(ee) revenues available for

7                 State and local governments, in-

8                 cluding a political subdivision of

9                 a State that directly or indirectly

10                 provides public services, school

11                 districts, and any other instru-

12                 mentality of a State; and

13                 “(ff) authorizations or ap-

14                 provals necessitating a consulta-

15                 tion under section 7;

16                 “(II) is quantitative and qualifi-

17                 cative; and

18                 “(III) examines—

19                 “(aa) the incremental effects

20                 of the critical habitat designa-

21                 tion; and

22                 “(bb) the cumulative eco-

23                 nomic effects of both the critical

24                 habitat designation and the list-

### 3 (ii) DETERMINATION FACTORS NOT

12                             “(iii) EFFECTIVE DATE.—

“(I) IN GENERAL.—Clause (i)  
shall apply to any critical habitat designation proposed or promulgated on or after October 30, 2013.

17                             “(II) REOPENING OF FINALIZED  
18                             DESIGNATIONS.—Not later than 30  
19                             days after the date of enactment of  
20                             this clause, any critical habitat des-  
21                             ignation finalized on or after October  
22                             30, 2013, shall be reopened to provide  
23                             adequate time for compliance with  
24                             clause (i).”.

